

ZB# 78-6

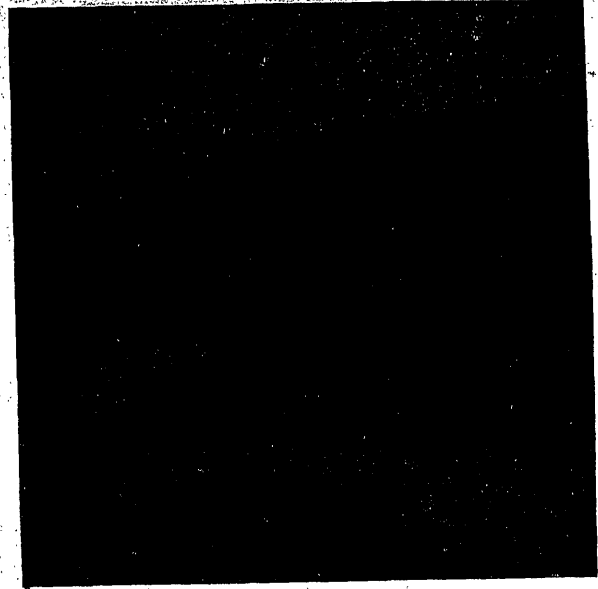
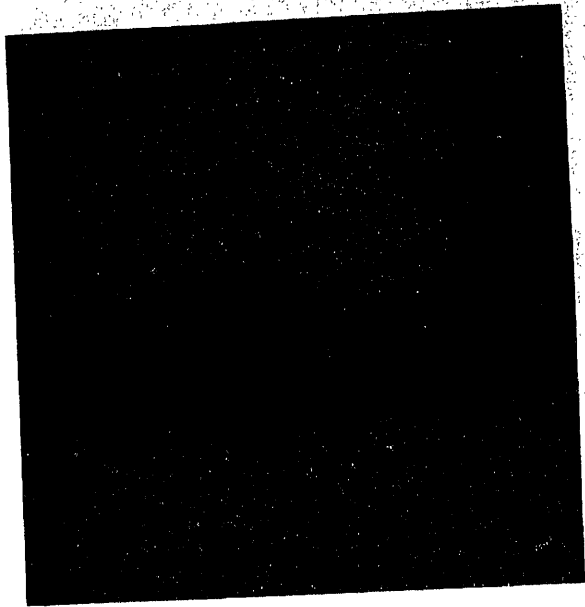
O. Edward Cicchetti

49-1-26

~~Public Hearing~~

Prelim. Meeting
March 13, 1978.

Public Hearing -
March 27, 1978 - 8pm.
8:15pm.



GENERAL RECEIPT

3598

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

RECEIVED OF

Edward Cicchetti

Mar 28 1978

\$ 50.00

DOLLARS

FOR

Variance App. # 78-6

DISTRIBUTION:

FUND	CODE	AMOUNT
<u>50.00</u>		
<u>check</u>		

BY

Charlotte Marcantonio

Deputy

TITLE

Williamson Law Book Co., Rochester, N. Y. 14609

GENERAL RECEIPT

3598

TOWN OF NEW WINDSOR
555 Union Avenue
New Windsor, N. Y. 12550

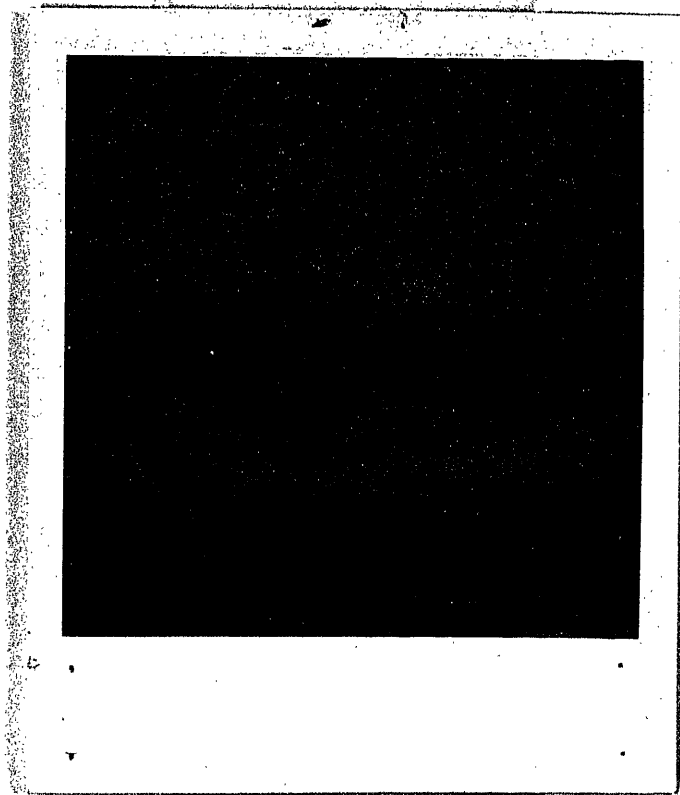
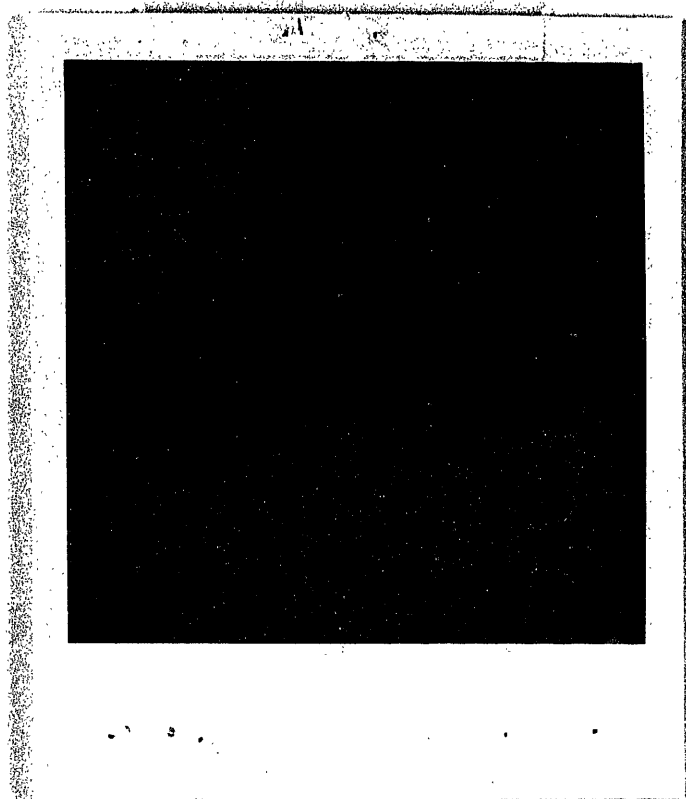
RECEIVED OF Edward Cicchetti Mar 28 1978
Fifty and 00/100 \$ 50.00
DOLLARS

FOR Variance App. 78-6
DISTRIBUTION:

FUND	CODE	AMOUNT
50.00		
check		

BY Charlotte Marcantonio
deputy
TITLE

Williamson Law Book Co., Rochester, N. Y. 14609



Legal Notice
**PUBLIC NOTICE OF
 HEARING BEFORE
 ZONING BOARD OF APPEALS
 TOWN OF NEW
 WINDSOR**
 PLEASE TAKE NOTICE that the
 Zoning Board of Appeals of the
 TOWN OF NEW WINDSOR, New
 York will hold a Public Hearing pur-
 suant to Section 48-33A of the Zoning
 Ordinance on the following
 proposition:
 Appeal No. 6
 Request of O. Edward Cichetti for
 a VARIANCE of the regulations of
 the Zoning Ordinance, to permit a
 variance of side yard requirements
 for the construction of an addition to
 the rear and side of the present
 building being a VARIANCE of Sec-
 tion No. 48-12, Table of Bulk
 Regulations - Column B, for prop-
 erty situated as follows:
 Tax Lot 49-1-26 on east side of
 Route 32 between Tax Lot 49-1-25 and
 Tax Lot 49-1-27
 SAID HEARING will take place on
 the 27 day of March, 1978, at the New
 Windsor Town Hall, 2555 Union
 Avenue, New Windsor, N.Y., beginn-
 ing at 8:00 o'clock P.M.
MARK STORTECKY
 Chairman
 Mar. 18

**State of New York
 County of Orange, ss:**

Olga Trachewsky , being duly sworn deposes and
 says that he is Principal Clerk of Newburgh-
 Beacon News Co., Inc., Publisher of The Evening News,
 a daily newspaper published and of general circulation in
 the Counties of Orange and Dutchess, and that the notice
 of which the annexed is a true copy was published
 One Time
 in said newspaper, commencing on the 18th day of
 March A.D., 19⁷⁸ , and ending on
 the 18th day of March A.D., 19⁷⁸

Subscribed and sworn to before me this
 18th day of March 19⁷⁸ }

Olga Trachewsky
Patricia M. Harrison

.....
 Notary Public of the State of New York, County of Orange.
 MY COMMISSION EXPIRES MARCH 30, 1979

3/27/78 Public Hearing - Cicchetti, Edward - 8 p.m.

Spectators:

Name:

Allan Kuslansky Esq

Address:

Po Box 4088 N.W

representing Mrs. Max
Levinson

in opposition to
application.

ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR

-----X
In the Matter of the Application of

O. EDWARD CICCHETTI

DECISION GRANTING
AREA VARIANCE

Application #78-6.
-----X

WHEREAS, O. EDWARD CICCHETTI of 1134 Union Avenue, Newburgh,
New York, has made application for an area variance to permit in-
sufficient sideyard on property located on the east side of Route 32,
Town of New Windsor, New York in a Designed Shopping (C) zone; and

WHEREAS, the applicant seeks a 10 ft. side yard variance; and

WHEREAS, a public hearing was held on the 27th day of March,
1978 before the Zoning Board of Appeals at the Town Hall, New Windsor,
New York; and

WHEREAS, the applicant was represented by Raymond H. Bradford,
Esq. of 425 Robinson Avenue, Newburgh, New York; and

WHEREAS, the application was opposed by Allan Kuslansky, Esq.,
attorney representing Mrs. Max Levinson, the owner of the adjacent property,
who stated that the above proposal would be a detriment to her property and
asked that the application be denied; and

WHEREAS, the matter was referred to the Orange County Planning
Board and the Planning Board returned it to this Board for a local deter-
mination under date of March 23, 1978; and

WHEREAS, the Zoning Board of Appeals makes the following findings
of fact in this matter:

1. The notice of the public hearing was duly sent to residents
and businesses as prescribed by law and published in The Evening News, also
as required by law.

2. The evidence shows that the variance if granted will result in no appreciable additional population or strain on existing governmental facilities.

3. The evidence shows that the variance sought to expand a commercial usage in an already well-developed commercial zone and that the expanded usage will not alter the character of the neighborhood.

4. The evidence shows that denial of the variance will result in significant economic injury to the owner of the property due to the limited use for the property as presently constructed and that there are no reasons of public health, safety or welfare which compel the denial of the application.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. That notice of the public hearing was duly sent to residents and businesses as prescribed by law and published in The Evening News also as required by law.

2. The applicant will encounter practical difficulty in expanding his business if the variance is not granted.

3. The owner's expansion cannot be done in any other feasible method within the present zoning ordinance.

4. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

5. Granting the variance is in the interest of justice.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grant an area variance to O. EDWARD CICCETTI for the expansion of a business in a commercial zone - Designed Shopping (C).

BE IT FURTHER,

Page 3

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant's attorney.

Dated: May 8, 1978.

S/ Richard Jenwick
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

78-6.
(Number)

3/78
(Date)

I. Applicant information:

- (a) O. Edward Cicchetti, 1134 Union Ave., Newburgh, NY 12550
(Name, address and phone of Applicant) 564-4300
- (b) Not Applicable - above is owner
(Name, address and phone of purchaser or lessee)
- (c) Raymond H. Bradford, 425 Robinson Ave., Newburgh, NY 12550
(Name, address and phone of attorney) 561-2727
- (d) Not applicable
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance side yards
- ☐ Sign variance
- ☐ Special permit

III. Property information:

- (a) C East side of Rt 32
(Zone) New Windsor, NY between 49- 1 -26 100' x 215'
(Address) Laborers Union (M B L) (Lot size)
and Pizza Parlor
- (b) What other zones lie within 500 ft.? R-4 and R-5
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? Oct 1977
- (e) Has property been subdivided previously? No When?
- (f) Has property been subject of variance or special permit previously? No When?
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? No. If so, when
- (h) Is there any outside storage at the property now or is any proposed?

78-6.
(Number)

3/78
(Date)

I. Applicant information:

- (a) O. Edward Cicchetti, 1134 Union Ave., Newburgh, NY 12550
(Name, address and phone of Applicant) 564-4300
- (b) Not Applicable - above is owner
(Name, address and phone of purchaser or lessee)
- (c) Raymond H. Bradford, 425 Robinson Ave., Newburgh, NY 12550
(Name, address and phone of attorney) 561-2727
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- (d) When was property purchased by present owner? Oct 1977
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? No. If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. No

☐ IV. Use variance: Not applicable

(a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow

(Describe proposed use)

(b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

☒ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Bulk Regs., Column 8

Requirements	Proposed or Available	Variance Request
Min. Lot Area		N/A
Min. Lot Width		N/A
Reqd. Front Yard	60	N/A
Reqd. Side Yards	30 / 70	20 / 22
Reqd. Rear Yard	30	120
Reqd. Street Frontage*		
Max. Bldg. Hgt.	2	2
Min. Floor Area*		
Development Coverage*	%	%
Floor Area Ratio**	13%	

* Residential districts only
** Non-residential

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Bulk Regs., Column 8

Requirements	Proposed or Available	Variance Request
Min. Lot Area		N/A
Min. Lot Width		N/A
Reqd. Front Yard <u>60</u>		N/A
Reqd. Side Yards <u>30 / 70</u>	<u>20 / 22</u>	<u>20 / 30</u>
Reqd. Rear Yard <u>30</u>	<u>120</u>	
Reqd. Street Frontage*		
Max. Bldg. Hgt. <u>2</u>	<u>2</u>	
Min. Floor Area*		
Development Coverage* <u>%</u>	<u>%</u>	<u>%</u>
Floor Area Ratio** <u></u>	<u>13%</u>	

* Residential districts only

** Non-residential districts only

Applicant wishes to erect a 20 x 31 and 20 x 50 addition to rear and side of present building for mercantile purposes--to blend with present building.

The strict application of this ordinance would deprive the applicant of the reasonable use of the land and/or building and the granting of this side yard variance is the minimum variance that will accomplish this application.

side yard variance

- (b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

Building has been in existence for years before zoning change and used as mercantile building. If variance is granted, same use as before. If variance not granted, applicant will be deprived of reasonable use of the property.

☐ VI. Sign Variance: None

- (a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>Not Applicable</u>	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

- (b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

Not Applicable

- (c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

Not Applicable

change and used as mercantile building. If variance is
granted, same use as before. If variance not granted,
applicant will be deprived of reasonable use of the
property.



VI.

Sign Variance: None

- (a) Variance requested from New Windsor Zoning Local Law,
Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	<u>Not Applicable</u>		
Sign 2			
Sign 3			
Sign 4			
Sign 5			
<hr/>			
Total	<u> sq.ft.</u>	<u> sq.ft.</u>	<u> sq.ft.</u>

- (b) Describe in detail the sign(s) for which you seek a
variance, and set forth your reasons for requiring
extra or oversize signs.

Not Applicable

- (c) What is total area in square feet of all signs on premises including
signs on windows, face of building, and free-standing signs?

Not Applicable

☐ VII. Special Permit:

- (a) Special permit requested under New Windsor Zoning Local Law, Section _____, Table _____, Column _____.
- (b) Describe in detail the use and structures proposed for the special permit.

Not Applicable

☐ VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

See attached plot plan of Sidney Horowitz, C.E. Rear parking for 16 places will be provided. Existing hedge in rear will remain. Area to north and south sides of proposed building will be black top and will merge on same level with lots to north and south of property.

☐ IX. Attachments required:

- _____ Copy of letter of referral from Building and Zoning Inspector.
- ☒ ~~Copy of contract of sale,~~ *deed* lease or franchise agreement.
- ☒ Copy of tax map showing adjacent ~~properties~~ *lots*
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- _____ Copy(ies) of sign(s) with dimensions.
- _____ Check in amount of \$ _____ payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping

- (b) Describe in detail the use and structures proposed for the special permit.

Not Applicable



VIII. Additional comments:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

See attached plot plan of Sidney Horowitz, C.E. Rear parking for 16 places will be provided. Existing hedge in rear will remain. Area to north and south sides of proposed building will be black top and will merge on same level with lots to north and south of property.



IX. Attachments required:

 Copy of letter of referral from Building and Zoning Inspector.

 X ~~Copy of contract of sale, lease or franchise agreement.~~ *deed*

 X Copy of tax map showing adjacent ~~properties~~ *lots*

 X Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.

 Copy(ies) of sign(s) with dimensions.

 Check in amount of \$ payable to Town of New Windsor.

Photos of existing premises which show all present signs and landscaping.

All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.

 Other


(Official Use Only)

X. AFFIDAVIT.

Date _____

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The Undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.


(Applicant)
O. Edward Cicchetti

Sworn to before me this

17th day of February, 1978.
Raymond H. Thompson

RAYMOND H. BRADFORD
Notary Public, State of New York
d in Orange County
Commission Expires March 30, 1978

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
- (c) Special Permit is _____
- (c) Conditions and safeguards _____
- _____
- _____
- _____
- _____

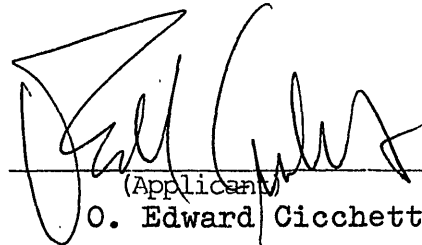
A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS

STATE OF NEW YORK)

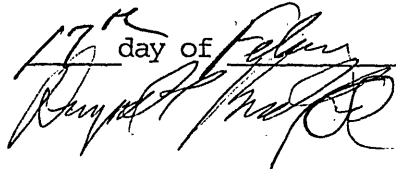
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(Applicant)
O. Edward Cicchetti

Sworn to before me this

17th day of February, 1978.


RAYMOND H. BRADFORD
Notary Public, State of New York
Qualified in Orange County
Commission Expires March 30, 1978

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- (c) Conditions and safeguards _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY RESO-
LUTION OF ZONING BOARD OF APPEALS.



COUNTY OF ORANGE

MAR 27 1978

Department of Planning

124 MAIN STREET (1887 Building)

GOSHEN, NEW YORK 10924

TEL. (914) 294-5151

Peter Garrison, A.I.P., Commissioner

Edwin J. Garling, A.I.P., Deputy Commissioner

March 23, 1978

Mr. Theodore Jargstorff, Chairman
Town of New Windsor Zoning Board
of Appeals
Town Hall
555 Union Avenue
New Windsor, New York

Re: Variances - Cicchetti
Route 32 - File No.: NWT-78-5-N

Dear Mr. Jargstorff:

We have received the above application in accordance with the procedures of Section 239, l and m, Article 12-B of the General Municipal Law of the State of New York.

We hereby return the matter for final local determination by your Board.

Very truly,

Peter Garrison
Peter Garrison
Commissioner of Planning

PG/jm

STATE OF NEW YORK)
)
COUNTY OF ORANGE) ss.:
)
TOWN OF NEW WINDSOR)

(29)

Joseph Parisi, Assessor of the Town of New Windsor, hereby certifies that the following list is a list of all those property owners of property located within 500 feet on the outermost boundary of the O. Edward Cicchetti property known as Tax Lot 41-1-26 located on the east side of Route 32 between the Laborer's Union building and the Pizza Parlor:

Frances Musolino
P. O. Box 206
Vails Gate, NY 12550

65-2-9

Board of Education
124 Grand Street
Newburgh, NY 12550

~~49-1-1~~
35-1-61

Realm Rest. Inc.
Box 385
Vails Gate, NY 12584

49-1-1

Thomas F. and Patricia Prendergast
52 Continental Drive
New Windsor, NY 12550

49-1-2

Peter and Sandra DeGregorio
54 Continental Drive
New Windsor, NY 12550

49-1-3

Frank & Daisy Lee Hilton
P. O. Box 193
Vails Gate, NY 12584

49-1-4

William F. & Elizabeth A. Stafford
58 Continental Drive
New Windsor, NY 12550

49-1-5

Mario Barone
656 Edison Avenue
Bronx, NY 10465

49-1-6

Lawrence and Joan M. Woodruff
62 Continental Drive
New Windsor, NY 12550

49-1-7

Richard J. and Jeanine M. Crook
64 Continental Drive
New Windsor, NY 12550

49-1-8

William J. and Genevieve E. Marotta
66 Continental Drive
New Windsor, NY 12550

49-1-9

Berend and Margaret G. Bakker
68 Continental Drive
New Windsor, NY 12550

49-1-10

Francis K. and Antoinetta Giannelli
c/o Mrs. Peter Mistrille
70 Continental Drive
New Windsor, NY 12550

49-1-11

Forge Hill Associates
81 Nottingham Drive
Watchung, NJ 07060

49-1-20.1

Marko Beer & Beverage, Inc.
Forge Hill Road
New Windsor, NY 12550

49-1-22

Shell Oil Co.
Northern Tax Reg.
P. O. Box 2099
Houston, Texas 77001

49-1-25

Laborer's Local 17
Realty Trust
P. O. Box 356
Vails Gate, NY 12584

49-1-25

Max Levinson
62 Valley Avenue
Newburgh, NY 12550

49-1-27

Bankers Trust Hudson Valley
301 Wall Street
Kingston, NY 12401

49-1-28

Richard V. and Angelina Coloni
43 Continental Drive
New Windsor, NY 12550

49-2-1

Edward D. Schnepel
2 Regimental Place
New Windsor, NY 12550

49-2-2

Giella J. & Carmella V. Peroni
4 Regimental Place
New Windsor, NY 12550

49-2-3

Vito J. & Louise Maiorana
6 Regimental Place
New Windsor, NY 12550

49-2-4

George F. Jr. and Kathleen F. Stradar
8 Regimental Place
New Windsor, NY 12550

49-2-5

Joseph J. and Maudean Vaczi
10 Regimental Place
New Windsor, NY 12550

49-2-6

William C. & Irene F. Boyd
12 Regimental Place
New Windsor, NY 12550

49-2-7

James M. & Anita B. Gilbert
53 Continental Drive
New Windsor, NY 12550

49-2-8

Costas & Anna Zapantis
51 Continental Drive
New Windsor, NY 12550

49-2-9

David W. and Marie Kemp
49 Continental Drive
New Windsor, NY 12550

49-2-10

Donald Maler
47 Continental Drive
New Windsor, NY 12550

49-2-11

Joseph M. and Aureorean Kraiza
45 Continental Drive
New Windsor, NY 12550

49-2-12

Golden Area Shopping Center
176 N. Main Street
Florida, NY 10920

65-2-12

Emilio Panella
182 Grand Street
Newburgh, NY 12550

65-2-10

Sun Oil Company
Tax Dept.
Box 271
Rensselaer, NY 12144

65-2-11

Windsor Building Supplies
P. O. Box 27
Newburgh, NY 12550

65-2-13

Carmine J. & Elinor Pacione
319 Old Forge Hill Road
New Windsor, NY 12550

65-2-17

Harold Adams
P. O. Box 4053
New Windsor, NY 12550

49-1-23

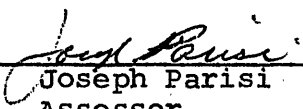
Jack V. & Emilie M. Graziano
317 Old Forge Hill Road
New Windsor, NY 12550

65-2-8

Balmville Estates, Inc.
P. O. Box 4053
New Windsor, NY 12550

49-1-21

Dated: March 23, 1978



Joseph Parisi
Assessor
Town of New Windsor

RAYMOND H. BRADFORD

COUNSELLOR AT LAW

425 ROBINSON AT NORTH

NEWBURGH, NEW YORK 12550

(914) 561-2727

March 23, 1978

Patricia Razansky, Secretary
New Windsor Zoning Board of Appeals
555 Union Avenue
New Windsor, New York 12550

Re: O. Edward Cicchetti - Variance Application
Tax Lot 49-1-26
My File No. 8457

Dear Madam:

Enclosed the following for public hearing on March 27,
1978:

1. 3 copies of application (one already filed)
2. 3 copies of map and plan
3. Property owner list from Assessor
4. \$50.00 check for application
5. Affidavit of publication of notice
6. Paid bill for publication notice
7. Copy of letter showing application sent to Orange
County Planning Department
8. Copy of letter showing application to Department of
Transportation
9. 2 copies of tax map

I shall bring receipts for certified mail to the hearing
on March 27, 1978.

Very truly yours,

Raymond H. Bradford
Raymond H. Bradford (pv)

RHB/pv
Encl.

*P.S. Also enclosed return receipts on all but
3 - which have not been returned.
Also Notices sent to these 3
Colon, Kratya and Bolanville Estates*

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 27th day of October, nineteen hundred and seventy-seven
BETWEEN LUISA BELLI and CARMEN LOPEZ, both residing at 357 Windsor
Highway (Route 32), Vails Gate, New York,

party of the first part, and O. EDWARD CICCHETTI, residing at 8 Baltsas Lane,
Newburgh, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of One (\$1.00)

dollars,

lawful money of the United States, and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, County of Orange and State of
New York, and more accurately bounded and described as follows:

BEGINNING at a point in the Southeasterly line of Route 32,
said point being located 250' northeasterly as measured along
the Southerly line of Route 32 from its intersection with the
Easterly line of Old Forge Hill Road, said point of beginning
being further located 622.26' Northeasterly as measured along
the Southeasterly line of Route 32 from a concrete highway
monument; thence from said point of beginning and along the
Southeasterly line of Route 32 North 38° 12' 10" East 100.0'
to a point; thence through lands of Forge Hill Farm on the next
three courses South 51° 47' 50" East 215.79' to a point, and
South 38° 12' 10" West 100.0' to a point, thence North 51° 47'
50" West 215.79' to the point of beginning and containing 1/2,
plus or minus, acres.

BEING the same premises conveyed by The Windsor Building
Supplies Company, Inc. to Luisa Belli and Carmen Lopez by Deed
dated May 4, 1961 and recorded in the Orange County Clerk's
Office on June 28, 1961 in Liber 1595 of Deeds at page 1014.

SUBJECT, however, to the following covenant and restriction
which shall run with the title to the land forever:

1. No building or other structure shall be erected on said

THIS INSTRUMENT, made the day of OCTOBER, nineteen hundred and seventy-seven
BETWEEN LUISA BELLI and CARMEN LOPEZ, both residing at 357 Windsor
Highway (Route 32), Vails Gate, New York,

party of the first part, and O. EDWARD CICHETTI, residing at 8 Baltsas Lane,
Newburgh, New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of One (\$1.00)
dollars,

lawful money of the United States, and other good and valuable consideration paid
by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, County of Orange and State of
New York, and more accurately bounded and described as follows:

BEGINNING at a point in the Southeasterly line of Route 32,
said point being located 250' northeasterly as measured along
the Southerly line of Route 32 from its intersection with the
Easterly line of Old Forge Hill Road, said point of beginning
being further located 622.26' Northeasterly as measured along
the Southeasterly line of Route 32 from a concrete highway
monument; thence from said point of beginning and along the
Southeasterly line of Route 32 North 38° 12' 10" East 100.0'
to a point; thence through lands of Forge Hill Farm on the next
three courses South 51° 47' 50" East 215.79' to a point, and
South 38° 12' 10" West 100.0' to a point, thence North 51° 47'
50" West 215.79' to the point of beginning and containing 1/2,
plus or minus, acres.

BEING the same premises conveyed by The Windsor Building
Supplies Company, Inc. to Luisa Belli and Carmen Lopez by Deed
dated May 4, 1961 and recorded in the Orange County Clerk's
Office on June 28, 1961 in Liber 1595 of Deeds at page 1014.

SUBJECT, however, to the following covenant and restriction
which shall run with the title to the land forever:

1. No building or other structure shall be erected on said
premises within 40 feet to the front line of said premises.

SUBJECT, however, to the terms and provisions of a certain
grant and easement made by John Wilkie to Central Hudson Gas and
Electric Corporation and New York Telephone Company dated August
25, 1958 and recorded in Orange County Clerk's Office November 17,
1958 in Liber 1483 of conveyances at page 95 insofar as it affects
the above described premises.

TOGETHER with all right, title and interest, if any, the party of the first part

roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Luisa Belli

Luisa Belli

Carmen Lopez

Carmen Lopez

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Luisa Belli

Luisa Belli

Carmen Lopez

Carmen Lopez

RAYMOND H. BRADFORD
COUNSELLOR AT LAW
425 ROBINSON AT NORTH
NEWBURGH, NEW YORK 12550
(914) 561-2727

FEB 23 1978

Public Hearing
3/27/78 - 8 p.m.
February 21, 1978

Patricia Razansky, Secretary
Town of New Windsor
Zoning Board of Appeals
555 Union Avenue
New Windsor, New York 12550

Re: O. Edward Cicchetti
My File No. 8457

Request for
side yard variance.

Dear Madam:

This matter was informally before the Planning Board and the Board told him to apply for a variance.

I now enclose application for variance, copy of deed showing ownership, copy of tax map and copy of site plan.

Will you at your next meeting on February 27, 1978, set a date for a formal hearing and advise so I can then do all that is necessary for that hearing as set forth in your requirements.

Very truly yours,

Raymond H. Bradford
Raymond H. Bradford (ps)

RHB/pv
Encl.

555 Union Avenue
New Windsor, N. Y. 12550
March 1, 1978

Raymond H. Bradford, Esq.
425 Robinson Avenue
Newburgh, N.Y. 12550

RE: APPLICATION FOR VARIANCE OF CIOCHETTI
Your File No. 8457

Dear Mr. Bradford:

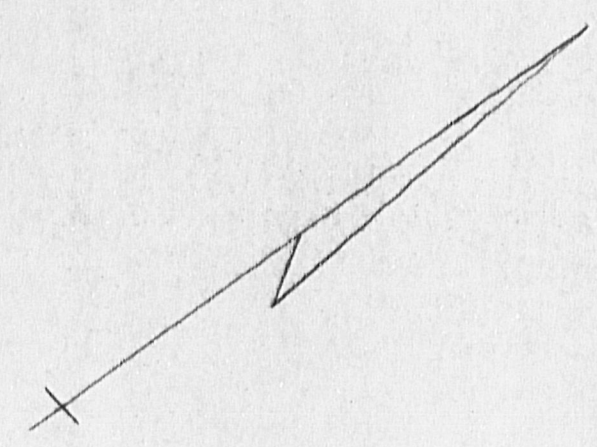
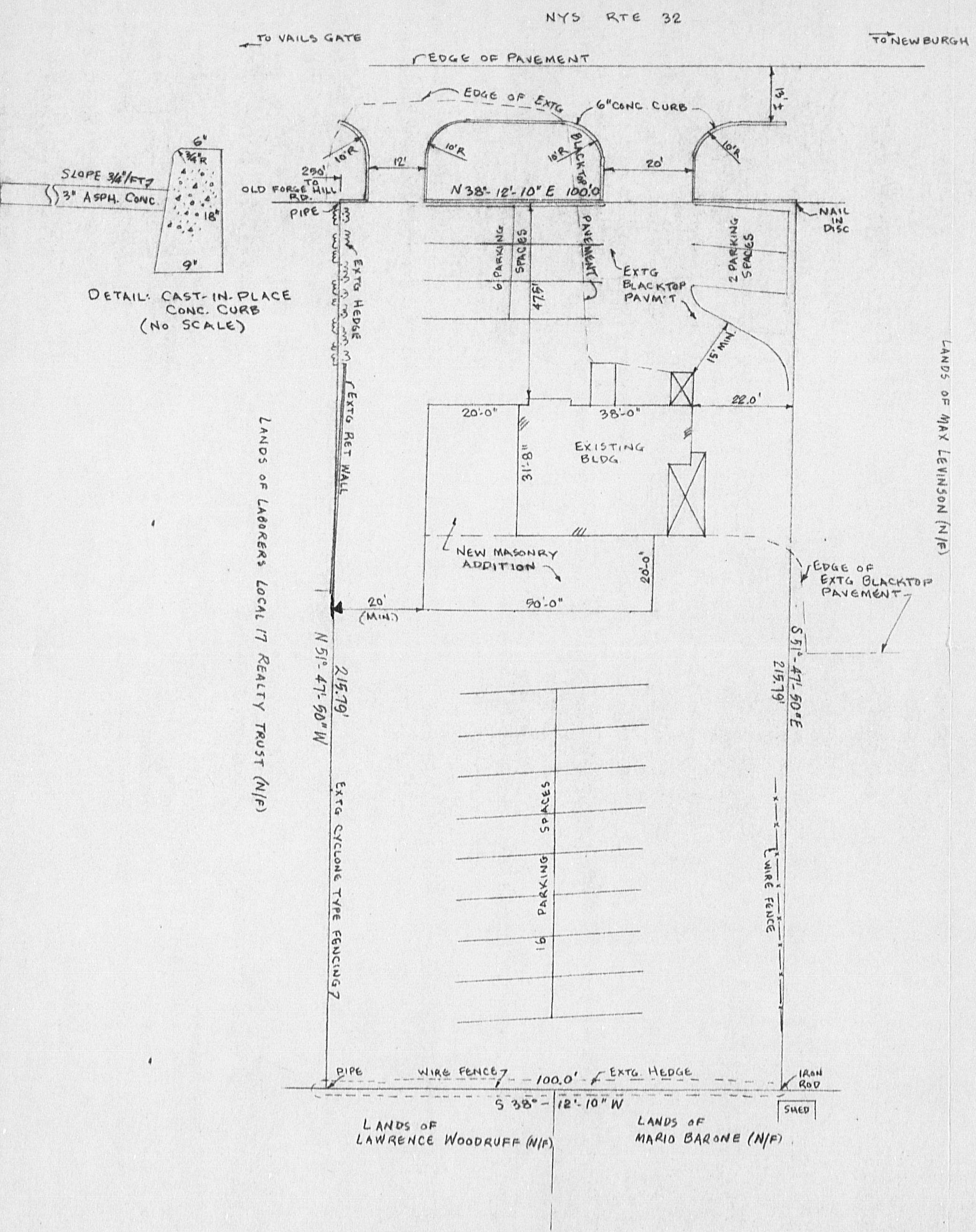
Kindly be advised that a preliminary meeting has been scheduled by the New Windsor Zoning Board of Appeals on Monday evening, March 13, 1978 at 7:30 p.m. in the Town Hall.

~~Kindly~~ be present at that time to discuss Mr. Ciochetti's proposal before the Board.

Very truly yours,

PATRICIA RASANSKY, Secretary

/pr



PLOT PLAN
 FOR

ADDITION TO EXISTING BUILDING
 AND PROPOSED USE AS MERCANTILE
 BUILDING OF NOT MORE THAN TWO STORES

TOWN OF NEW WINDSOR
 ORANGE Co., NEW YORK



OWNER:
 O. EDIARD CICHETTI
 1134 UNION AVE.
 NEW BURG, N.Y. 12550

BY Sidney L. Horowitz, C.E.
 P.E. # L.S. 27130
 MONTICELLO, N.Y.
 SCALE: 1" = 20'
 16 JAN 78